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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,140	07/23/2003	Robert Kornacki	758-001	8282

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EXAMINER

KING, ANITA M

ART UNIT PAPER NUMBER

3632

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/625,140

Applicant(s)

KORNACKI, ROBERT

Examiner

Anita M. King

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

This is the first office action for application number 10/625,140, Blanket Anchor, filed on July 23, 2003.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The disclosure is objected to because of the following informality: on page 4, lines 14 and 18, reference number "16" appears to be incorrect and should be --14--.

Appropriate correction is required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the handle member in claim 3 is not cited in the specification nor is it labeled in the drawings.

### ***Claim Objections***

Claim 3 is objected to because of the following informality: the claim language should be consistent with the specification and an effort to alleviate ambiguity, therefore "said opposing jaw member" in line 4 should be either the first jaw member or the second jaw member as cited in claim 1. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said secured jaw member" in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 has ambiguous claim terminology where it is unclear whether latter recitations of originally cited terminology are intended to refer to the originally cited terms. It is unclear if "serrated jaw portion," in the claim in line 2 is intended to refer to the original recitation of the term "a serrated surface, bridging lines 12 and 13 of claim 1.

Claim 3 recites the limitation "said opposing jaw member" in line 4. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,176,354 to Feigenbaum, Jr., hereinafter, Feigenbaum. Feigenbaum discloses an anchor member (Fig. 3, 10) for anchoring a blanket or towel at the beach or at a picnic in an open spread orientation, the anchor member comprising: a stake portion (14) having a lower end and an upper end (12), the lower end being tapered for facilitating insertion into the ground, the upper end being of a rounded configuration, the upper end having extending horizontally therefrom, a biased clamping means (24), the biased clamping means comprising a first jaw member (30) and a second jaw member (50) and a biasing means (Col. 4, line 20ff) disposed therebetween, one (50) of the jaw members permanently secured to the upper end of the stake member, the second jaw member being movable in bias relationship to the secured jaw member, the jaw members having a serrated surface (32) juxtaposed each other for engagement of an edge of the blanket or towel; wherein the jaw member independent of the stake member is provided with a handle member (48) for movement of the jaw member (30) by means of the biasing means relative to the opposing jaw member (50); and wherein a plurality of the anchor members would be positioned about the periphery of the blanket or towel,

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engaging the edge of the blanket or towel for maintaining the blanket or towel in a desired orientation (Fig. 9).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feigenbaum. Feigenbaum discloses the claimed invention except for the limitation of the serrated jaw portion of the anchor member is wider than the stake. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the jaw portion in Feigenbaum to have been wider than the stake for the purpose of providing a means to clamp more area of the blanket and since such a modification would merely involve a change in size and would not have produced any unexpected structural results.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 2,840,092 to Hill

U.S. Patent 2,889,129 to Turbeville


U.S. Patent 2,939,468 to Boyce  
U.S. Patent 3,241,202 to Knauft  
U.S. Patent 4,914,767 to Balicki et al.  
U.S. Patent 5,524,309 to La Barbera  
U.S. Patent 5,245,715 to Dinkins  
U.S. Patent 5,390,890 to Ferguson et al.  
U.S. Patent 5,579,798 to Pruitt  
U.S. Patent 5,713,383 to Ramirez et al.  
U.S. Patent D392,556 to Mills  
U.S. Patent D476,556 to Martin et al.

Hill discloses a plurality of beach pins for anchoring down a beach cloth. Turbeville discloses a beach towel stake. Boyce discloses a utility peg for anchoring down a blanket. Knauft discloses a blanket peg having a stake with a tapered lower end and a rounded upper end. Balicki et al. disclose a beach blanket with beach clamps including spikes for holding down the blanket. La Barbera discloses a beach towel tie down pin. Dinkins discloses a blanket anchor apparatus. Ferguson et al. disclose a beach blanket retaining device including a base spike member and a clamp member. Pruitt discloses a cover anchor device for anchoring various types of coverings to the ground. Ramirez et al. disclose a beach blanket anchor including a clamp. Mills discloses an anchoring device. Martin et al. disclose a beach towel grip.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Anita M. King  
Primary Examiner  
Art Unit 3632

April 27, 2004